IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 452 of 2006

LRS OF AMBALAL
V/S
BASANTI LAL

Mr. NK RASTOGI, for the appellant / petitioner

Mr. SL JAIN, for the respondent

Date of Order : 21.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Perused the impugned judgments.

In my view, the learned courts below have rightly found the Chabutari to be belonging to the plaintiff. Since the two learned courts below had considered the effect of the judgment rendered between the parties in the previous suit no. 177/69, and the learned trial court found that it would not operate resjudicata while the learned lower Appellate Court had found it to be operating resjudicata but then instead of going into that question I have gone through the entire evidence available on record, and find that the appellant has failed to prove the Chabutari to be belonging to him, and not belonging to the plaintiff.

In that view of the matter, even after re-appreciation of the evidence, I do not find any ground to interfere with the impugned decree.

The appeal thus does not involve any substantial question of law, and the same is, therefore, dismissed.

(N P GUPTA),J.

/sushil/